

(1) by inserting after "person" and comma and the following: "to whom section 5902(b) applies,";

(2) by striking subsection (b) and inserting the following:

"(b) TRANSPORTING PRIOR TO RECEIVING CERTIFICATION.—

"(1) PRESUMPTION.—If no certification is received by a motor carrier before or when a loaded intermodal container or trailer is tendered to it, the motor carrier may presume that the gross cargo weight of the container or trailer is less than 29,001 pounds.

"(2) COPY OF CERTIFICATION NOT REQUIRED TO ACCOMPANY CONTAINER OR TRAILER.—Notwithstanding any other provision of this chapter to the contrary, a copy of the certification required by section 5902(b) is not required to accompany the intermodal container or trailer.";

(3) by striking "10,000 pounds (including packing materials and pallets)" in subsection (c)(1) and inserting "29,000 pounds"; and

(4)—by adding at the end the following:

"(d) NOTICE TO LEASED OPERATORS.—

"(1) IN GENERAL.—If a motor carrier knows that the gross cargo weight of an intermodal container or trailer subject to the certification requirements of section 5902(b) would result in a violation of applicable State gross vehicle weight laws, than—

"(A) the motor carrier shall give notice to the operator of a vehicle which is leased by the vehicle operator to a motor carrier that transports an intermodal container or trailer of the gross cargo weight of the container or trailer as certified to the motor carrier under section 5902(b);

"(B) the notice shall be provided to the operator prior to the operator being tendered the container or trailer;

"(C) the notice required by this subsection shall be in writing, but may be transmitted electronically; and

"(D) the motor carrier shall bear the burden of proof to establish that it tendered the required notice to the operator.

"(2) REIMBURSEMENT.—If the operator of a leased vehicle transporting a container or trailer subject to this chapter is fined because of a violation of a State's gross vehicle weight laws or regulations and the lessee motor carrier cannot establish that it tendered to the operator the notice required by paragraph (1) of this subsection, then the operator shall be entitled to reimbursement from the motor carrier in the amount of any fine and court costs resulting from the failure of the motor carrier to tender the notice to the operator.".

SEC. 206. LIENS.

Section 5905 (relating to liens) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL.—If a person involved in the intermodal transportation of a loaded container or trailer for which a certification is required by section 5902(b) of this title is required, because of a violation of a State's gross vehicle weight laws or regulations, to post a bond or pay a fine, penalty, cost (including storage), or interest resulting from—

"(1) erroneous information provided by the certifying party in the certification to the first carrier in violation of section 5903(a) of this title;

"(2) the failure of the party required to provide the certification to the first carrier to provide it;

"(3) the failure of a person required under section 5902(c) to forward the certification to forward it; or

"(4) an error occurring in the transfer of information on the certification to another document under section 5902(b)(3) or (c), then

the person posting the bond, or paying the fine, penalty, costs (including storage), or interest has a lien against the contents equal to the amount of the bond, fine, penalty, cost (including storage), or interest incurred, until the person receives a payment of that amount from the owner or beneficial owner of the contents, or from the person responsible for making or forwarding the certification, or transferring the information from the certification to another document.";

(2) by inserting a comma and "or the owner or beneficial owner of the contents," after "first carrier" in subsection (b)(1); and

(3) by striking "cost, or interest," in subsection (b)(1) and inserting "cost (including storage), or interest." The lien shall remain in effect until the lien holder has received payment for all costs and expenses described in subsection (a) of this section."

SEC. 207. PERISHABLE AGRICULTURAL COMMODITIES.

Section 5906 (relating to perishable agricultural commodities) is amended by striking "Section 5904(a)(2) and 5905 of this title do" and inserting "Section 5905 of this title does".

SEC. 208. EFFECTIVE DATE.

(a) IN GENERAL.—Section 5907 (relating to regulations and effective date) is amended to read as follows:

§ 5907. Effective date

"This chapter shall take effect 180 days after the date of enactment of the Intermodal Safe Container Transportation Amendments Act of 1996."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 59 is amended by striking the items relating to section 5709 and inserting the following:

"5907. Effective date".

SEC. 209. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Chapter 59 is amended by adding at the end thereof the following:

§ 5908. Relationship to other laws

"Nothing in this chapter affects—

"(1) chapter 51 (relating to transportation of hazardous material) or the regulations promulgated under that chapter; or

"(2) any State highway weight or size law or regulation applicable to tractor-trailer combinations.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end thereof the following:

"5908. Relationship to other laws"

Mr. STEVENS. I ask this amendment be agreed to.

The amendment (No. 5390) was agreed to.

Mr. STEVENS. I ask unanimous consent the bill be considered read for a third time, the Senate immediately proceed to Calendar 508, H.R. 3159, further, all after the enacting clause be stricken and the text of S. 1831, as amended, be inserted in lieu thereof, the bill be deemed read for a third time and passed, the motion to reconsider be laid upon the table, any statements related to the bill be printed at the appropriate place in the RECORD, and finally, S. 1831 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3159), as amended, was deemed read a third time and passed, as follows:

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

ORDERS FOR THURSDAY, SEPTEMBER 19, 1996

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Thursday, September 19; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with the following Senators to be recognized for the designated time: Senator THOMAS for 30 minutes; Senator CONRAD for 30 minutes; Senator HEFLIN for 10 minutes; Senator REID for 10 minutes; Senator MURKOWSKI for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I further ask unanimous consent that following morning business at 11 a.m., the Senate resume consideration of S. 39, the Magnuson fisheries bill. At that time, under a previous order, there will be 4 minutes of debate equally divided on a Hutchison amendment. Following that debate time, I ask unanimous consent that the Senate proceed to a rollcall vote on or in relation to the Hutchison amendment, if necessary, to be followed by a rollcall vote on passage of S. 39, the Magnuson fisheries bill, as amended, and I ask paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, tomorrow at 11 a.m., following the 4 minutes of debate, the Senate will proceed to one, perhaps two, consecutive rollcall votes—first, on or in relation to the Hutchison amendment, if necessary, to be followed by a vote on the passage of the Magnuson fisheries bill. Following the votes, or vote, the Senate may be asked to turn to consideration of any of the following items: The pipeline safety bill, the maritime bill, H.R. 1350, available appropriations bills or conference reports. Rollcall votes are, therefore, possible throughout Thursday's session on the items just mentioned or any other items cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:48 p.m., adjourned until Thursday, September 19, 1996, at 9:30 a.m.